

## REMARKS

Before addressing the rejections, Applicant wishes to note that the finality of the current Office Action is improper. The patent to Seazholtz is newly cited, and the claims have never been amended. Under current practice, a subsequent rejection that includes a new ground of rejection not necessitated by Applicant's amendment is improper and should be withdrawn. *MPEP*, § 706.07(a). Accordingly, Applicant respectfully requests that the Examiner withdrawal the finality of the current Office Action.

Turning now to the rejections, the Examiner has rejected claims 1-37 under 35 U.S.C. §103(a) as being unpatentable over Rinne in view of Sakamoto, and in further view of Seazholtz. The Examiner asserts that Rinne teaches, "monitoring the time communication with said first radio network is suspended while communicating with said second radio network," and cites column 13, line 31 – column 14, line 28 for support. The Examiner specifically notes that this passage teaches that a radio network controller (RNC0) monitors the time that communications are suspended between the mobile terminal and another radio network controller. After scrutiny, it appears as though Rinne teaches otherwise.

In this passage, Rinne discloses a pair of radio network controllers (RNC1, RNC2), each of which controls a base station that is able to communicate with the mobile terminal, and an anchor radio network controller (RNC0). A mobile terminal in using the system of Rinne may be handed off from an active RNC (e.g., RNC1) to another RNC (e.g., RNC2). However, this passage says nothing about monitoring the time communications are suspended with RNC1. According to Rinne, a set control function (SCF) in RNC0 simply monitors the need for handover between controllers, makes the necessary preparations for the handover, and then executes the handover. Other responsibilities of RNC0 include realizing user data delay (UDR), and maintaining logical links with RNC1 and RNC2. *Rinne*, col. 14, ll. 42-60. Nowhere in this passage does Rinne ever suggest that any of the RNCs monitor the time that communication is suspended between the mobile terminal and RNC1. This is because Rinne deals fundamentally

with handover, which occurs when a mobile terminal moves from the coverage area of one cell and enters another with a stronger signal. Once handover has occurred, the mobile terminal has no need to return to the "old" RNC as all data is now being provided by the "new" RNC.

Therefore, Rinne does not teach, "monitoring the time communication with said first radio network is suspended while communicating with said second radio network." Further, the Examiner never asserts that either Sakamoto or Seazholtz remedy this deficiency. Therefore, none of the cited references teach or suggest the requisite "monitoring" step of claim 1, either alone or in combination. As such, the § 103 rejection necessarily fails as a matter of law.

Notwithstanding the above, however, the § 103 rejection of claim 1 also fails for another reason. Specifically, the Examiner admits that Rinne fails to teach or suggest, "resuming communication with said first radio network using said previously established connection with said first radio network if the duration of suspended communication does not exceed a maximum suspension time...[and]...requesting a new connection with said first radio network if the duration of suspended communication exceeds said maximum suspension time." The Examiner appears to assert that Sakamoto remedies these deficiencies. Applicant respectfully disagrees.

Sakamoto discloses a communications system having a control apparatus and a plurality of paging controllers, each of which is configured to page mobile terminals according to a predetermined delay. The delay varies from paging controller to paging controller, and defines the time the paging controller will wait for a paging response. On call set-up, the mobile terminal in Sakamoto sends information to a control apparatus that identifies a delay based on the priority of the call or the type of message. Upon receipt, the control apparatus in the network will select paging controllers with the shortest associated delay for more immediate-type communications (i.e., voice and/or emergency data), and paging controllers associated with a longer delay for less urgent communications (i.e., data). *Sakamoto*, col. 9, ln. 59 – col.

10, ln. 47; Fig. 4. In other words, the delay information sent to the control apparatus from the mobile terminal is selection criteria.

The Examiner appears to contend that the control apparatus will either assign a new radio channel to the mobile terminal, or reject a channel reassignment request from the mobile terminal based upon the transmission speed relative to a predetermined threshold. The Examiner further asserts that this somehow equates to the requisite "maximum suspension time." However, the control apparatus simply assigns radio channels based on the transmission speed capabilities of both the mobile terminal and a base station. If a base station is capable of communicating with the mobile terminal at the requested rate (i.e., the rate is below a threshold), radio channels are assigned to the mobile terminal. Otherwise, the user is given a choice as to whether to communicate at a low speed, or to try again later. Base station selection based on transmission rate capabilities does not teach or even suggest resuming or requesting communications channels based on a maximum suspension time.

Simply put, Sakamoto does not teach the requisite "resuming" and "requesting" steps of claim 1. The delay of Sakamoto determines the length of time the paging controller will wait for a response on a yet-to-be assigned channel (i.e., after the mobile station responds to the page), while the maximum suspension time defines the maximum amount of time that the mobile station can suspend communications on an already assigned channel. These two concepts are fundamentally different, and one does not teach or suggest the other. Therefore, Sakamoto, like Rinne, fails to teach or suggest claim 1.

Regarding the final reference – Seazholtz – the Examiner never asserts that it teaches or suggests the "resuming" and "requesting" steps of claim 1. Instead, the Examiner appears only to cite Seazholtz to support the assertion that "maximum suspension time" is known. More specifically, the Examiner equates a maximum number of attempts parameter disclosed by Seazholtz with the requisite maximum suspension time. Seazholtz does not support this theory.

Seazholtz discloses a system and method that conveys lists of System Identifier (SIDs) to roaming mobile terminals communicating on a wireless communications network. In Seazholtz, a mobile terminal may enter a sleep mode to save battery power. Typically, the sleep mode is periodically interrupted so that the mobile terminal can check for paging signals. Seazholtz discloses that the sleep cycle may be timed to coincide with the transmission of the paging signals. To time the cycle, Seazholtz discloses the use of a timer parameter (T203). However, this parameter is nothing more than a sleep timer. It is the maximum time in which the mobile terminal waits for frames on the data link connection before the mobile terminal enters sleep mode. Seazholtz, col. 28, ll. 31-34. If the parameter expires, the data link enters a sleep state allowing for the execution of power saving measures. There are no requests for the resumption of suspended communications on an existing channel, or a new channel assignment depending on the timer in Seazholtz.

Therefore, Rinne, Sakamoto, and Seazholtz all fail to teach or suggest, alone or in combination, the “requesting” and “resuming” steps of claim 1. As such, Applicant respectfully requests the allowance of claim 1, and its dependent claims 2-10.

The Examiner also rejected claims 20 and 30 under 35 U.S.C. §103(a) for reasons similar to those cited above for claim 1. However, claims 20 and 30 contain language similar to the language of claim 1. Therefore, for the reasons stated above, Rinne, Sakamoto, and Seazholtz all fail to teach or suggest, alone or in combination, claim 20 and claim 30. Accordingly, Applicant requests the allowance of claims 20 and 30, as well as their respective dependent claims 21-29 and 31-32.

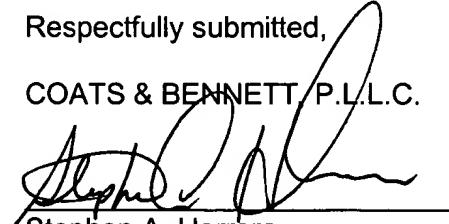
Finally, claims 11 and 33 stand rejected under 35 U.S.C. §103(a) over the same references as those cited against claim 1. Claims 11 and 33 both contain language that requires, “transmitting a maximum suspension time to said access terminal to indicate the maximum allowed suspension time.” The Examiner admits that Rinne fails to teach or suggest this element, but asserts that Sakamoto and Seazholtz do. As stated above, Sakamoto

discloses sending a selection criterion. It determines the length of time the paging controller will wait for a response on a yet-to-be assigned channel. Likewise, the parameter of Seazholtz is a sleep timer. Neither parameter teaches or suggests a maximum suspension time.

Thus, none of the cited references teach or suggest, alone or in combination, claim 11 or claim 33. Therefore, the §103 rejection of claims 11 and 33 fails. Accordingly, Applicant respectfully requests the allowance of claims 11 and 33, as well as their respective dependent claims 12-19 and 34-37.

Respectfully submitted,

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